

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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JOEL ESTEVEZ,  
on behalf of himself and  
all others similarly situated,

Plaintiff,

Case No. 22-cv-380

v.

FCA, LLC, *et. al.*

Defendants

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**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT**

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COMES NOW Plaintiff, Joel Estevez, and by his attorneys, Walcheske & Luzi, LLC, and hereby motions this Court to direct the Clerk to enter default against Defendants pursuant to FED. R. CIV. P. 55(a).

On April 18, 2022, an affidavit of service was filed with this Court, stating, among other things, that Defendant, FCA, LLC's, registered agent was served with a copy of the Summons and Complaint in this matter on April 12, 2022. (ECF No. 5.) Similarly, on April 18, 2022, an affidavit of service was filed with this Court, stating, among other things, that Defendant, Timber Creek Resource, LLC's, registered agent was served with a copy of the Summons and Complaint in this matter on April 12, 2022. (ECF No. 6.)

Defendants' Answers or other responsive pleadings to Plaintiff's Complaint were due on or before May 3, 2022 – twenty-one (21) days after April 12, 2022. *See* FED. R. CIV. P. 12(a)(1)(A)(i) (stating that a defendant “must serve an answer... within 21 days after being served with the summons and complaint.”).

To date, Defendants have not filed Answers or other responsive pleadings to Plaintiff's Complaint. Therefore, because the time for Defendants to do so has passed, the Clerk must enter default against Defendants pursuant to FED. R. CIV. P. 55(a).

**WHEREFORE**, Plaintiff respectfully requests that this Court grant his Motion.

Dated this 13th day of May, 2022

WALCHESKE & LUZI, LLC  
Counsel for Plaintiff

s/ *Scott S. Luzi*  
Scott S. Luzi, State Bar No. 1067405

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